

REMARKS

Claims 1, 5, 7-28 and 35-52 are pending in this application.

Claims 1, 5, 19-23, 35, 39 and 45 were rejected.

Claims 6, 37, 38, 40-44 and 46-50 were objected to.

Claims 7-18, 24-28, 35-36 and 51 were subject to a restriction or election requirement.

In section 1 of the Office Action, it was stated that the election was made **without** traverse. The Applicants agreed claim 1 was generic and also agreed, because it was not traversed, that the Examiner's statement that "Upon allowance of a generic claim, applicant will be entitled to consideration to claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)."

Also, there appears to be a typing error in the PTOL 326 Form as claim 35 was stated to be withdrawn, but was also rejected. See Section 4 of the Office Action.

It is noted that the Applicants have now added new claim 52, which is clearly readable on the elected species of Figure 1.

Also, in view of the assumed allowance of claim 5, it is requested, for example, that the Examiner rejoin the claims that

are dependent thereon. These claims are, for example, claims 7, 8, 9, et al.

**Information Disclosure Statement**

In Section 10 of the Office Action, the Examiner stated that a copy of reference H-324081, as listed on PTO-1449 was not available to the Examiner. This document was submitted in the prior application and accordingly the Applicants have complied with the requirements for the Information Disclosure Statement.

As requested by the Examiner, enclosed is a copy as Appendix 1 of H-324081 [sic 3-24081] together with a explanation of the relevancy of this document that was submitted in the previous application. No new IDS is considered necessary as the Applicants have complied with the requirements of the IDS previously.

**Foreign Priority**

While it was indicated that the certified copies of the priority documents were not received, it is noted that these documents were submitted in the prior application (Application No. 09/559,969) and it was indicated in the Office Action of October 2, 2001 that these documents were received.

The Examiner is requested to clarify that the foreign priority documents were received in the previous application (09/559,969).

**Reply to Rejections**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiss (USP 5,232,299) in view of Zweig (USP 3,679,483). This rejection is traversed.

Claim 1 has been amended to call for the specifics of a first and second portion coupled by a ball member which is connected to the washing machine proper for movement of the partial washing apparatus. This structure is shown in the elected species element 4 as further defined in Figure 2. With this structure, the partial washing apparatus can be easily maneuverable by the person operating the washing machine.

This structure is not shown or suggested by the two references applied.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103.

**Second Rejection**

Claims 5, 19, 23, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japan 4-224793 (Japan '793) in view of either Hortel, et al. (USP 6,391,061) or Japan 10-128175 (Japan '175). This rejection is traversed.

Initially, claim 5 has been amended to include the subject matter of original claim 6, which was indicated as allowable.

Accordingly, claim 5 and its dependent claims should also be allowable. See the note regarding rejoining the species with regard to dependent claims, noted above.

With respect to claim 19, this claim has been amended to include structure, which alters the properties of tap water. This structure is not shown or suggested by the references applied.

Accordingly, claim 19 and its dependent claims are now considered allowable.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103.

### **Third Rejection**

Claims 20-22 [sic 23?] were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japan '793 in view of either Hortel, et al. or Japan '175 as applied to claims 5 and 19 above, and further in view of Rose (USP 3,342,336). This rejection is traversed.

Initially, these claims are dependent on claim 19, and as claim 19 is considered patentable for the reasons set forth above, the addition of Rose does not cure the adherent deficiencies of the rejection of claim 19 (amended).

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103.

#### **Fifth Rejection**

Claim 45 was rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Miyazaki. This rejection is traversed.

While the reference applied shows a supersonic vibration horn and a slit (e.g., 23) there is no specific disclosure that the slit would permit an article to be washed to be inserted into the slit. Even if this was a possibility or probability, a rejection under 35 U.S.C. § 102 cannot be based on possibility or probability. See *Continental Can Co. USA v Monsanto*, 20 USPQ 2<sup>nd</sup>, 1746, 1749, 1750 (Fed. Cir. 1991) which stated as follows:

"To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled... [such] that the missing... matter is necessarily present in the ... reference, and that it would be so recognized by persons of ordinary skill... "Inherency... may not be established by probabilities or possibilities. There mere fact that a certain thing may result from a given set of circumstances is not sufficient..."

Also, to alleviate the Examiner's concerns regarding claim 45, claim 45 has been amended to recite the function that the article to be washed is by the washing apparatus, the article to

be inserted into the slit. (*Emphasis added*) This structure is not disclosed in the reference nor would it have been obvious.

For the reasons set forth above, the Examiner is requested to reconsider and withdraw the rejection of the claim under 35 U.S.C. § 102.

**New Claim**

New claim 52 has been added. This claim is readable upon Figure 1, which is an elected species. This claim is considered patentable at least for the same reasons as base claim 1 (amended).

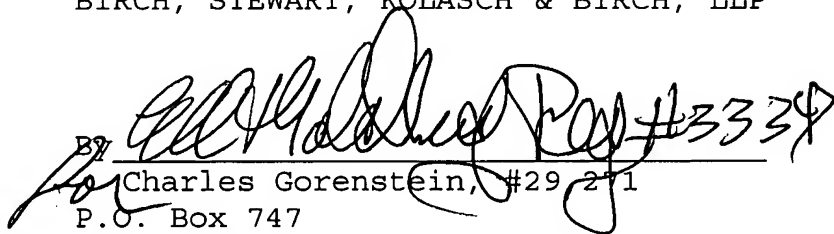
**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): Appendix I H-324081

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1 / 1 PLUSPAT - ©QUESTEL-ORBIT**Patent Number :**

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**Application Nbr :**

JP2408191U 19910412 [1991JP-U024081]

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H01L-021/60**Publication Stage :**

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**Update Code :**

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## ⑫ 公開実用新案公報(U)

平3-24081

⑬ Int. Cl.<sup>5</sup>

識別記号

庁内整理番号

⑭ 公開 平成3年(1991)3月13日

D 06 F 39/02

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審査請求 未請求 請求項の数 2 (全2頁)

⑮ 考案の名称 洗濯機の洗剤・助剤投入装置

⑯ 実 願 平1-83531

⑰ 出 願 平1(1989)7月18日

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製作所

⑳ 代 理 人 弁理士 秋本 正実 外1名

## ㉑ 実用新案登録請求の範囲

1 洗濯機の洗濯槽内に液状の洗剤、ないし助剤を投入する装置において、

吐出口を洗濯槽に、吸入口を液剤供給管に、それぞれ接続したシリンダ形ポンプ、及び上記シリンダ形ポンプを往復駆動するアクチュエータと、

前記液状の洗剤及び助剤を貯えるための複数個のタンクと、

上記複数個のタンクのそれぞれを前記の液剤供給管に接続する、逆止弁及び電磁開閉弁を備えた液剤吸入管と、

前記液剤供給管に洗浄水を供給する手段とを具備することを特徴とする、洗濯機の洗剤・助剤投入装置。

2 前記シリンダ形ポンプを往復駆動するアクチ

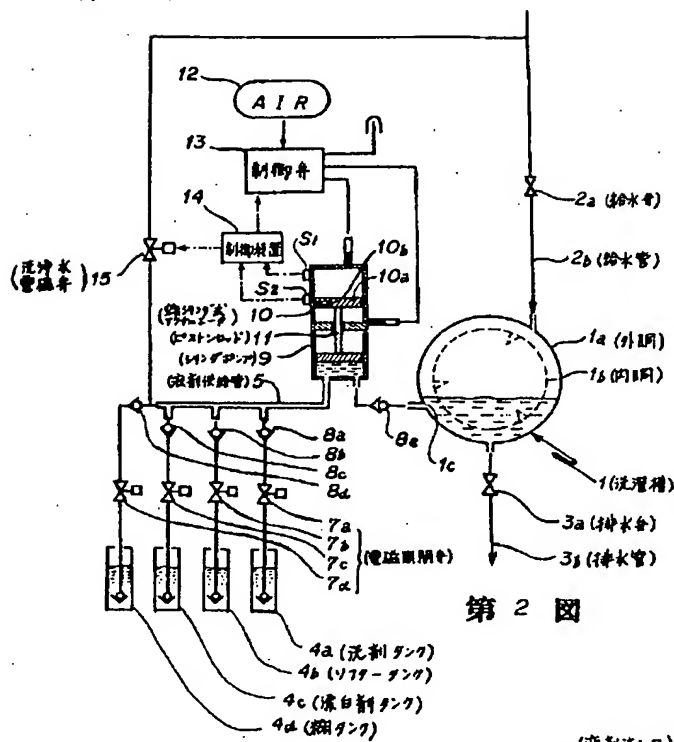
ュエータは、その駆動ストロークを調節し得る構造であることを特徴とする、請求項1に記載した洗濯機の洗剤・助剤投入装置。

## 図面の簡単な説明

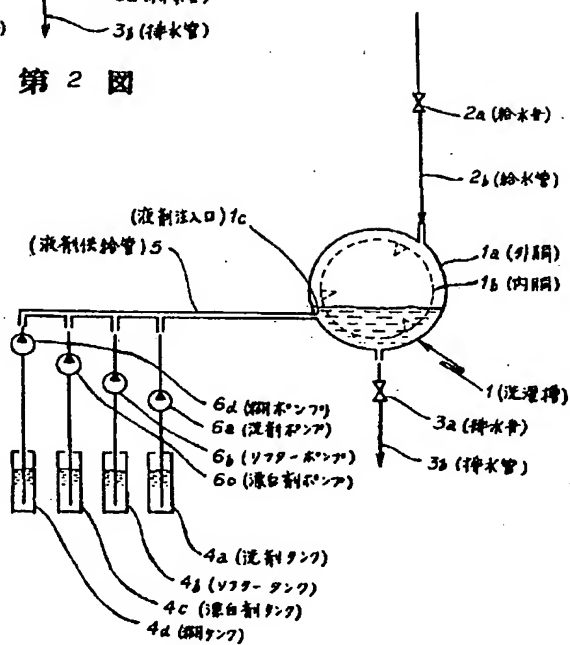
第1図は本考案に係る洗剤・助剤投入装置の一実施例を示す模式図、第2図は従来例の投入装置の模式図である。

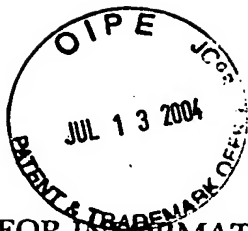
4 a……洗剤タンク、4 b……ソフトータンク、4 c……漂白剤タンク、4 d……糊タンク、5……液剤供給管、7 a～7 d……電磁開閉弁、8 a～8 d……逆止弁、9……シリンダポンプ、10……空気シリンダ式アクチュエータ、10 a……ピストン、10 b……磁石、11……ピストンロッド、12……高圧空気源、15……洗浄水電磁弁。

第 1 図



第 2 図





## MATERIAL FOR INFORMATION DISCLOSURE STATEMENT

### List of Prior Art References

- A. Japanese Laid-Open Patent Application No. H4-224793,  
laid-open on August 14, 1992
- B. Japanese Laid-Open Utility Model Application No. H3-24081,  
laid-open on March 13, 1991

### Comments

Reference A discloses a washing machine having a partial washing apparatus. Here, the partial washing apparatus uses supersonic vibration, but is of a type that washes an article to be washed simply by emitting from a jet nozzle onto the article a jet of water agitated by supersonic vibration. Thus, this partial washing apparatus requires that detergent be applied beforehand to the article, and is thus inconvenient to use. Moreover, the applied detergent is readily washed away, which leads to a poor washing effect and an increased amount of detergent needed. Thus, this partial washing apparatus is too uneconomic and unfriendly to the environment to be put into practical use.

Reference B discloses an apparatus for putting a detergent and an assistant agent into a washing machine. Here, the washing machine is provided with a plurality of detergent containers, from which a specific detergent is automatically supplied in accordance with a program stored beforehand. However, this apparatus does not permit the user to select a detergent most suitable for a given type of article to be washed, and in addition has too complicated a construction to be put into practical